


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORA MITCHELL, on behalf of herself)	
Individually and as Personal Representative)	
of the Estate of ROBERT MITCHELL,)	
)	
Plaintiff,)	Case No. 5:09-cv-11480
)	
v.)	Judge John Corbett O'Meara
)	
TASER INTERNATIONAL, INC., ET AL.,)	Magistrate Judge Mona Majzoub,
)	
)	
Defendants.)	

DECLARATION OF JEFFREY HO, MD, FACEP, FAAEM

I, Jeffrey Ho, being of legal age and under the penalties of perjury, state as follows:

1. I am a competent adult and have personal knowledge of the following facts, or believe them to be true based on information and belief. Facts about which I do not have personal knowledge are of the type reasonably relied upon by experts in this field and have probative value to me in rendering my opinions.
2. Attached hereto is a true and accurate copy of my expert report in the above captioned litigation.
3. The report summarizes my analysis and findings and includes a statement of my opinions. The report also includes data and other information considered by me in forming my opinions and sets out my qualifications (including my resume).
4. My opinions are expressed to a reasonable, or higher, degree of medical and/or scientific certainty and/or probability.
5. I affirm under the penalties of perjury that the foregoing statements are true and correct.



Jeffrey D. Ho, MD, FACEP, FAAEM

September 13, 2013

Introduction

I have been retained as an expert medical consultant on behalf of the Defendants for this case, TASER International, Inc. and Michigan TASER Distributing, Inc. I have been asked to provide my opinions about the effects of the electrical output from a TASER[®] Conducted Electrical Weapon (CEW or device) on human physiology and what its human effects were in this particular case. My opinions offered in this case are rendered to a reasonable degree of medical certainty or probability.

I reserve the right to supplement or modify this statement if and when I acquire additional relevant information prior to the time of trial.

Qualifications:

I am a practicing, residency trained and board-certified emergency medicine physician and hold an academic appointment as an associate professor at the University of Minnesota Medical School. I am a Fellow of the American College of Emergency Physicians and of the American Academy of Emergency Medicine. I also hold a full-time peace officer license in the State of Minnesota and currently work as a deputy sheriff. I have previous experience as a firefighter/emergency medical technician (EMT) and have fellowship training specifically in the area of emergency medical services (EMS)/pre-hospital emergency care. I have 9 years of reserve military service as a medical corps officer and I currently serve as a medical director to EMS agencies in the upper Midwest. I am also an expert medical research consultant on human physiology in association with TASER device applications and maintain certification as a TASER[®] CEW Instructor. I

Appendix R**Case Specific Documents and Materials**

Mitchell v. TASER International, Inc.

Pleadings		
1.	Opinion and Order Granting in Part and Denying in Part Defendants' Motion for Summary Judgment	02.09.12
2.	Notice of Appeal	02.13.12
3.	Stipulated Order Allowing Third Party Complaint and Second Amended Complaint	04.04.12
4.	Second Amended Complaint and Jury Demand	04.09.12
Deposition Transcripts & Exhibits		
Officers		
5.	William Cataldo (Chief of Homicide, Macomb County Prosecutor's Office)	02.02.10
6.	James Langtry (Chief of Operations, Macomb County Prosecutor's Office) (30 (b)(6) representative of Macomb County Prosecutor's Office)	02.04.10
7.	Daniel Burmistrz (Officer)	02.22.10 & 11.05.10
8.	Robert Churchran (Investigator, Macomb County Prosecutor's Office)	03.22.10
9.	Darin Miller (Officer, Detroit Police Department)	04.13.10
10.	Charles Flanagan (Lieutenant, Detroit Police Department)	04.14.10
11.	Kenneth Gardner (Sergeant, Detroit Police Department)	05.27.10
12.	Byron McGhee (Officer, Homicide Division, Detroit Police Department)	05.27.10
13.	Jason Sloan (Sergeant, Detroit Police Department)	08.09.10

14.	Eddie Edwards (Officer, Detroit Police Department)	08.09.10
15.	DeSheila Howlett (Officer, Warren Police Department)	08.11.10
16.	Scott Taylor (Officer, Warren Police Department)	08.12.10 & 06.19.13
17.	Mathew Milne (Officer, Warren Police Department)	09.08.10
18.	Raymond Henke (Officer, Warren Police Department)	10.18.10 & 06.19.13
19.	Jesse Lapham (Officer, Warren Police Department)	10.20.10 & 06.19.13
20.	Kevin Howell (Sergeant, Warren Police Department)	10.27.10
21.	Daniel Klik (Officer, Warren Police Department) (Now Retired)	01.20.11 & 02.15.11
22.	Kevin Borycz (Detective Corporal, Criminal Investigation Unit, Warren Police Department)	02.15.11
23.	David Hendrickson (Captain, Warren Police Department)	03.21.11 & 04.12.11
24.	Michael R. Torey (Lieutenant, Warren Police Department)	03.28.11
25.	Curtis Thrift (Paramedic Instructor Coordinator, Warren Fire Department)	06.19.13
Witnesses		
26.	Cora Mitchell (deceased's mother)	06.24.11 & 06.21.13
27.	Michael Wright (deceased's youngest brother)	06.24.11
28.	Latoiya Mitchell (deceased's half-sister)	06.24.11
29.	Charlotte McGlory (deceased's grandmother)	07.01.11

30.	Debra McGlory (deceased's aunt, sister of Cora Mitchell)	07.01.11
31.	Harrison Mitchell (deceased's uncle, brother of Cora Mitchell)	07.01.11
32.	Sharonda Watkins (deceased's sister)	09.24.11
33.	Toya Baker (back-seat passenger of the Dodge Stratus)	06.17.13
34.	Cheryl Loewe, M.D. (conducted the autopsy on Robert Mitchell)	06.20.13
35.	Ron Dehne (owner of Michigan TASER Distributing)	06.21.13
36.	Kayree Dayvon Jeffrey a/k/a Chris Davis (driver of the Dodge Stratus)	06.21.13
Defendant TASER's Discovery		
37.	TASER Manufacture and Sale Records for X26 ECD Serial No. X00-218640 (Bates No. TI-Mitchell-5-000183)	2006
38.	Law Enforcement Product Warnings	04.28.08
39.	TASER Download Report (Bates No. TI-Mitchell-1-000021)	04.10.09
40.	Warren Police Department Communications Report	
Plaintiff's Discovery		
41.	Cynthia Bir email to Sgt. Klik, with 3 attachments (Article: Valentino, Daniel J., TASER X26 Discharges in Swine: Ventricular Rhythm Capture is Dependent on Discharge Vector) (Article: Wu, Jiun-Yan, Taser Dart-to-Hart Distance That Causes Ventricular Fibrillation in Pigs) (Wikipedia: Arrhythmogenic right ventricular dysplasia) (01738-01764	05.19.09
42.	Plaintiff's Answers to First Interrogatories and Request for Production of Documents [From: Defendant City of Warren]	11.24.09
43.	Plaintiff's Responses to Defendants' Second Request for Production of Documents to Plaintiff [From: Defendant City of Warren]	07.20.10

44.	Plaintiff's Answers to Defendants' [Second Set of] Interrogatories and Request for Production of Documents to Plaintiff Regarding Lay Witnesses [From: Defendant City of Warren]	12.20.10
45.	Plaintiff's Rule 26 Disclosures	01.09.13
46.	Plaintiff's Responses to Defendant Michigan TASER Distributing, Inc.'s First Set of Request for Admission	06.05.13
47.	Plaintiff's Responses to Michigan TASER Distributing, Inc.'s First Set of Interrogatories	06.05.13
48.	Plaintiff's Responses and Objections to Defendants First Joint Request for Production of Documents	06.05.13
49.	Plaintiff's Objection to TASER International Inc.'s First Set of Interrogatories	06.05.13
50.	Plaintiff's Responses to Defendant TASER International, Inc.'s First Set of Requests for Admissions	06.05.13
<i>Officer Statements (Detroit Police Officer's to Warren P.D.)</i>		
51.	Daniel Burmistrz (Handwritten statement)(2 pgs.)	04.10.09
52.	Daniel Burmistrz (Handwritten statement)(2 pgs.)	04.11.09
53.	Eddie Edwards (Handwritten statement)(1 pg.)	04.17.09
54.	Darin Miller (Handwritten statement)(1 pg.)	04.17.09
<i>Incident-Related Investigative Reports</i>		
55.	Postmortem Examination (ME #537-09)	04.11.09
<i>Incident –Related Police Records</i>		
56.	Warren Police Department Incident Report No. 09-20345 (Bates Nos. TI-Mitchell-1-000001 through 000020) a.) Milne Report (Original) (001-004) b.) Henke Report (Supplement) (005-009) c.) Taylor Report (Supplement) (010-012) d.) Lapham Report (Supplement) (013-016) e.) Busch Report (Supplement) (017-020)	04.10.09

57.	Detroit Police Department Crime Report (Case No. 0904100178)(Report No. 0904100178.3)	04.17.09
Medical Records - Emergency		
58.	Warren Fire Department Records (Bates WFD1 – 00001 to 00006) (Fire)	04.10.09
59.	Macomb County Emergency Medical Services - Life Support Ambulance Run Report Form Universal-Macomb Ambulance Records (A000001 – 09) (Ambulance)	04.10.09
60.	Henry Ford Macomb Warren Hospital Records (Bates Nos. TI-Mitchell-2-000016 through 000032) (Hospital)	04.10.09
Medical Records - Prior		
61.	Northeast Guidance Center	03.05.08 - 02.19.09
62.	Saratoga Urgent Care	02.08.09
Other Records		
63.	<i>As attached to Plaintiff's Responses to Defendants' 2nd Request for Production of Documents</i>	
A	(1) Freedom of Information Act (FOIA) Letter Request	09.02.09
B	(2) City of Detroit's Response to FOIA Letter Request	09.16.09
C	(3) City of Detroit's 2 nd Response to FOIA Letter Request	10.07.09
D	(4) Subpoena In a Civil Case & Records Deposition Subpoena Duces Tecum Addendum (Issued to the Macomb County Prosecuting Attorney)	10.12.09
E	(5) City of Detroit's Response to Subpoena In Civil Case	10.15.09
F	(6) Correspondence Response to Subpoena in a Civil Case from Macomb County Prosecuting Attorney to William Goodman	10.19.09
G	(7) Correspondence from Goodman & Hurwitz to the City of Detroit Law Department re: enclosed payment for "processing fee"	11.05.09

H	(8) Correspondence from the City of Detroit Law Department to Goodman & Hurwitz re: Subpoena Response	11.11.09
I	(9) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: Subpoena in a Civil Case	11.05.09
J	(10) Correspondence from the City of Detroit Law Department to Goodman & Hurwitz re: Subpoena Response (duplicate of 8)	11.11.09
K	(11) Facsimile Correspondence and attachments from Goodman & Hurwitz to James Langtry, Macomb County Prosecutor's Office	11.23.09
L	(12) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: 2 nd 30 (b)(6) Subpoena in a Civil Case and 2 Nd Notice of Records Deposition Subpoena Duces Tecum Addendum (01.21.10)	12.23.09
M	(13) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: 2 nd 30 (b)(6) Subpoena in a Civil Case and 2 Nd Notice of Records Deposition Subpoena Duces Tecum Addendum (01.21.10) (duplicate of 12)	12.23.09
N	(14) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: Subpoena in a Civil Case and Notice of Records Deposition Subpoena Duces Tecum Addendum (01.20.10)(Robert Chuchran)	12.23.09
O	(15) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: Subpoena in a Civil Case and Notice of Records Deposition Subpoena Duces Tecum Addendum (01.21.10)(James Langtry)	12.23.09
P	(16) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: Subpoena in a Civil Case and Notice of Records Deposition Subpoena Duces Tecum Addendum (01.20.10)(Robert Chuchran)	12.28.09
Q	(17) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: Subpoena in a Civil Case and Notice of Records Deposition Subpoena Duces Tecum Addendum (01.20.10)(James Langtry)	12.28.09
R	(18) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: <i>Corrected</i> 2 nd 30 (b)(6) Subpoena in a Civil Case and 2 Nd Notice of Records Deposition Subpoena Duces Tecum Addendum (01.21.10)	01.07.10
S	(19) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: <i>Second Corrected</i> Subpoena in a Civil Case and Notice of Records Deposition Subpoena Duces Tecum Addendum (01.21.10)(James Langtry)	01.07.10
T	(20) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: <i>Second Corrected</i> Subpoena in a	01.07.10

U	Civil Case and Notice of Records Deposition Subpoena Duces Tecum Addendum (01.20.10)(Robert Chuchran)	
V	(21) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: Subpoena in a Civil Case and Notice of Records Deposition Subpoena Duces Tecum Addendum (01.20.10)(Willaim Cataldo)	01.07.10
W	(22) Correspondence from Goodman & Hurwitz to Macomb County Corporate Counsel re: upcoming depositions	01.15.10
X	(23) Correspondence from Goodman & Hurwitz to Goldpaugh & Associates, PC re: Second Notice of Taking Deposition of Officer Daniel Burmistrz, together with attachments (a) Burmistrz Witness Statement, (b) 4.24.09 Email, and (c) sticky note	02.08.10
Y	(24) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: <i>Third Re-Notice</i> Subpoena in a Civil Case and Notice of Records Deposition Subpoena Duces Tecum Addendum (02.11.10)(Robert Chuchran)	02.08.10
Z	(25) Correspondence from Goodman & Hurwitz to Goldpaugh & Associates, PC re: Second Subpoena and Second Records Deposition Subpoena Duces Tecum Addendum of Officer Daniel Burmistrz	02.12.10
AA	(26) Correspondence from Goodman & Hurwitz to Macomb County Prosecutor's Office re: <i>Fourth Re-Notice</i> of Taking Deposition Duces Tecum (03.22.10)(Robert Chuchran)	02.15.10
BB	(27) Correspondence from Goodman & Hurwitz to Darin Miller and duplicate copy of Subpoena	04.07.10
CC	(28) Email from William Goodman to Sgt. McGhee re: deposition rescheduling	04.14.10
DD	(29) Correspondence from Goodman & Hurwitz to Sgt. Kenneth Gardner and Officer Bryon McGhee, together with attachment (a) handwritten statement of Burmistrz dated 04.11.09	05.04.10
EE	(30) Facsimile correspondence from Goodman & Hurwitz to Sgt. Lewis re: Subpoena served upon Sgt. McGhee	05.27.10
FF	(31) Correspondence from the City of Detroit Law Department to William Goodman	06.02.10
Media		
64.	Dispatch Tape (44 tracks)	04.10.09
65.	Warren Police Department scout car in car video tape #3198, evidence tag #5454 (Officers Henke/Milne)	04.10.09

66.	Warren Police Department scout car in car video tape #3047, evidence tag #5465 (Officer Seidel)	04.10.09
67.	Warren Police Department scout car in car video tape #3043, evidence tag #5465 (Officer Howlett)	04.10.09
68.	Warren Police Department scout car in car video tape #3069, evidence tag #5509 (Officers Adams/Livingston)	04.10.09
69.	Warren Police Department scout car in car video tape #3063, evidence tag #5515 (Officer Kleinstiver)	04.10.09
70.	Warren Police Department scout car in car video tape #3086, evidence tag #5510 (Officers Taylor/Lapham)	04.10.09
71.	Warren Police Department - Footage of the route of foot pursuit of Mitchell (Det. Nearing) (DID WE EVER GET THIS?)	04.10.09
72.	DPD Daniel Brumistrzak's in car video (DID WE EVER GET THIS?)	04.10.09
Photos		
73.	Autopsy Photographs (27)	04.11.09
74.	Hospital Photographs (32)	04.10.09
Indexes		
75.	Deposition[s] Exhibits Index (Cora Mitchell v. City of Warren) (Cause No. 09-cv-11480)	Various
Sales Records		
76.	Michigan TASER Distributing Invoice No. 1682	08.24.06